THE PLANNING ACT

Ontario

POLICY STATEMENT

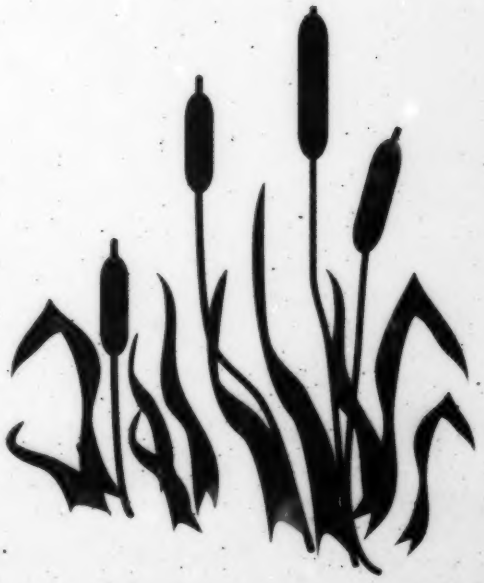
Wetlands

A Statement of Ontario Government policy issued under the authority of Section 3 of the Planning Act 1983

Approved by the Lieutenant Governor in Council

Order in Council No. 1448/92

May 14, 1992



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THE PLANNING ACT 1983 - SECTION 3

3. (1) The Minister, or the Minister together with any other minister of the Crown, may from time to time issue policy statements that have been approved by the Lieutenant Governor in Council on matters relating to municipal planning that in the opinion of the Minister are of provincial interest.

(2) Before issuing a policy statement, the Minister shall confer with such municipal, provincial, federal or other officials and bodies or persons as the Minister considers have an interest in the proposed statement.

(3) Where a policy statement is issued under subsection (1), the Minister shall cause it to be published in *The Ontario Gazette* and he shall give or cause to be given such further notice thereof, in such manner as he considers appropriate, to all members of the Assembly, to all municipalities and to such other agencies, organizations or persons as he considers have an interest in the statement.

(4) Each municipality that receives notice of a policy statement under subsection (3) shall in turn give notice of the statement to each local board of the municipality that it considers has an interest in the statement.

(5) In exercising any authority that affects any planning matter, the council of every municipality, every local board, every minister of the Crown and every ministry, board, commission or agency of the government, including the Municipal Board and Ontario Hydro, shall have regard to policy statements issued under subsection (1). 1983, c. 1, s. 3.

(6) Except as provided in subsection (5), nothing in this section affects nor restricts the Minister in the carrying out of the Minister's duties and responsibilities under any other section of this Act including the determining or declaring of any matter to be a matter of provincial interest and the procedure followed in so determining or declaring. 1989, c.5, s.3.

AUTHORITY

This document is prepared under the authority of Section 3 of the **Planning Act** and is the Province of Ontario's Policy Statement on planning for the protection of *Wetlands* as a matter of Provincial Interest.

This Provincial Policy Statement:

- is issued jointly by the Minister of Municipal Affairs and the Minister of Natural Resources; and,
- gives direction to municipalities, planning boards, public agencies, the private sector and others for the protection of *Wetlands*.

GOALS

- To ensure that *Wetlands* are identified and adequately protected through the land use planning process.
- To achieve no loss of *Provincially Significant Wetlands*.

OBJECTIVE

The objective of the Province of Ontario with regard to *Wetlands* is three-fold:

Through a variety of programs, of which this policy is one:

1. to ensure no loss of *Wetland Function* or *Wetland Area* of *Provincially Significant Wetlands* in the *Great Lakes - St. Lawrence Region;*
2. to ensure no loss of *Wetland Function* of *Provincially Significant Wetlands* in the *Boreal Region*; and,
3. to encourage the conservation of other *Wetlands* (e.g. Classes 4 to 7) throughout Ontario.

APPLICATION

This Policy Statement is to be applied to *Provincially Significant Wetlands* and lands adjacent to them, throughout Ontario.

INTERPRETATION

This provincial Policy Statement:

- replaces the "Guidelines for Wetland Management in Ontario" introduced by the Minister of Natural Resources in the Legislature in April of 1984.

- takes effect on the date of publication in *The Ontario Gazette* and applies to all planning applications under the **Planning Act**.
- does not supersede or take priority over other policy statements issued under Section 3 of the **Planning Act**, or any other policy approved by the Lieutenant Governor in Council.

BACKGROUND

Wetland Benefits

Wetlands are essential ecosystems and parts of ecosystems. They provide continuous, sustainable environmental, economic and social benefits that contribute to the high quality of life in Ontario. Not all of these benefits are easily translated into economic or human-related values. Some are of intrinsic ecological importance. For convenience, they can be grouped into biological, hydrological, and socio-economic benefits.

Wetlands:

- are important for the control and storage of surface water and the recharge and discharge of ground water;
- maintain and improve water quality, aid in flood control, and protect shorelines from erosion;
- trap sediments which would otherwise fill watercourses;
- support and initiate complex food chains which are ultimately essential to a broad spectrum of living organisms; including humans;
- provide important habitat for a wide variety of plant and animal species;
- immobilize some contaminants and nutrients;
- reduce other contaminants to less damaging compounds;
- assist in maintaining water quality in adjacent lakes and streams that support fish populations;
- provide valuable resource products such as timber, fish, and wild rice on a sustainable basis;
- contribute substantial economic and social benefits to the Province;
- provide active and passive recreational opportunities in green space settings.

Some benefits of Ontario's *Wetlands* are enjoyed throughout the rest of North America, through provision of such features as staging and breeding habitat for migratory waterfowl. The majority, however, are local, influencing either the area near a wetland, or the watershed in which it is situated.

Having abundant *Wetlands* in northern Ontario does not compensate for loss of *Wetlands* in the south. Many of the benefits can only come from *Wetlands* situated nearby. However, patterns of development have depleted *Wetlands* in many localities in the southern portions of the Province.

Furthermore, in any locality, the position of a wetland within a region, in combination with its other natural features, may be such that it provides more benefits than neighbouring *Wetlands*. This results in a higher relative "value" or relative importance of this wetland, and therefore results in a higher wetland classification, the numeric rating resulting from wetland evaluation.

If individual *Wetland Areas* share *Wetland Functions* and are interconnected ecologically, they may be considered as one *Wetland Complex* and evaluated accordingly. Lands which are not wetland but are *Adjacent Lands*, are also important in the ecosystem that extends beyond the wetland boundary. It is in such *Adjacent Lands* that migratory birds may choose nesting sites, rich timber resources grow, natural drainage patterns supply water to, and drain the wetland, and cultivated crops may find relief from drought conditions.

Wetland Loss

Over three-quarters of the original *Wetlands* in southern Ontario below the Canadian Shield have been lost. This loss is continuing as pressures escalate from competing land uses. Activities including land clearing, drainage, dredging and filling, continue to place pressure on *Wetlands*.

North of the southernmost boundary of the Canadian Shield, wetland loss is also becoming significant, especially near urban areas and along shorelines of the Great Lakes and other bodies of water. In contrast to the south, bogs in broad areas of northern Ontario are extensive and well-dispersed. However, other *Wetland Types* are relatively scarce and may be jeopardized by competing land uses such as industrial and recreational development.

Recognition of the importance of *Wetlands*, combined with a concern for wetland loss has prompted the Province to develop a comprehensive *Wetlands* management program.

Who Manages *Wetlands* in Ontario?

Wetlands in Ontario are held in both public and private ownership, and thus controlled by individuals, corporations and governments.

There is no provincial legislation that specifically addresses *Wetlands* or expressly requires the protection and conservation of *Wetlands*. However, *Wetlands* may be influenced by activities permitted under a variety of provincial statutes, including the **Conservation Land Act**, the **Drainage Act**, the **Lakes and Rivers Improvement Act**, the **Public Lands Act** and the **Conservation Authorities Act**.

Many *Wetlands* include fish habitat and therefore may, in part, come under the protection of the federal government through the habitat protection provisions of the **Fisheries Act** (Canada).

Many *Wetlands* have already been recognized for their abundant natural values, and have been secured under some form of public ownership such as Provincial Parks, Provincial Wildlife Areas, or Conservation Areas. Several *Wetlands* in Ontario are National Wildlife Areas, managed by Environment Canada under the **Canada Wildlife Act**. *Wetlands* are also included in the holdings of municipalities, often as part of county or regional forests.

An increasing number of private citizens also manage *Wetlands*. They recognize the value of such property in sustaining moisture, providing fuel and other resource products, and providing a place to recreate.

The major responsibility for management of *Wetlands* in Ontario, however, is that of the Province. The Province not only oversees the municipal planning process and other processes by which *Wetlands* are affected, but is also the major custodian of land, which includes all Crown Lands within Ontario.

Ontario's *Wetlands* Management Program

The Ministry of Natural Resources (MNR) has been developing and implementing a *Wetlands* management program for more than a decade. In 1981, the Ministry released a discussion paper titled, "Towards a Wetland Policy for Ontario" that contained estimates of wetland loss in southern Ontario and discussed wetland values. The public response overwhelmingly supported the development of a provincial *Wetlands* policy to protect and conserve *Wetlands*.

In 1983-84, an evaluation system for *Wetlands* was developed by the Ministry of Natural Resources and Environment Canada. This evaluation system would be used to identify and classify *Wetlands* south of the Canadian Shield, on the basis of *Wetland Functions* and features.

In 1984, the Province introduced the "Guidelines for *Wetlands* Management" which stated the government's concern over wetland loss and expressed *Wetlands* management objectives and strategies within the context of the municipal land use planning process. These Guidelines were released to all municipalities, provincial government agencies and interest groups and were effective in raising public awareness of the importance of *Wetlands*.

Over time, the evaluation system was also used for other related initiatives. The Ministry of Natural Resources, Ducks Unlimited Canada, and Wildlife Habitat Canada, in a cooperative program, make use of classifications (i.e. the results of wetland evaluations) to assist in setting priorities for securing threatened *Wetlands*. The Conservation Land Tax Reduction Program and the related **Conservation Lands Act** offer tax rebates to landowners of Class 1, 2 and 3 *Wetlands*, and hence provide financial incentive to leave *Wetlands* in their natural state.

Wetland habitat development, securement and protection initiatives are being implemented under The North American Waterfowl Management Plan, in which all agencies responsible for migratory bird management in North America are working in partnership with their respective interest groups. In addition, Ontario is involved in conducting and supporting research on the ecology of *Wetlands*. Through the Carolinian Canada Program, Ontario has indicated commitment to protecting rare and threatened Carolinian[1] wetland habitats. *Wetlands* are also protected through the protection of representative habitats (such as the Areas of Natural and Scientific Interest (ANSI) program), protection and management of fish habitat, and management of significant *Wetlands* in various Crown land management programs.

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[1]Carolinian habitats are located in the Carolinian Ecological Region of extreme southern Ontario, and are noted for their variety and numbers of life forms peculiar to that region. This is a small area, reduced and fragmented further by southern Ontario development and isolated from similar U.S. habitat by the Great Lakes. The result is an unusually large number of rare, and sometimes endangered species.

DEFINITIONS

For the purpose of this policy statement:

- ***Adjacent Lands*** means:

  a) those lands within 120 metres of an individual *Wetland Area*; and,

  b) all lands connecting individual *Wetland Areas* within a *Wetland Complex*.

- ***Agricultural Activities*** means ploughing, seeding, harvesting, grazing, animal husbandry, buildings and structures associated with these farming activities. This includes such activities on areas lying fallow as part of a conventional rotation cycle.

- ***Boreal Region*** means that area of Ontario north of the line shown on Figures 1 and 3.

- ***Development*** means:

  a) the construction, erection or placing of a building or structure;

  b) activities such as site grading, excavation, removal of top soil or peat and the placing or dumping of fill;

  c) drainage works, except for the maintenance of existing municipal and agricultural drains.

- ***Environmental Impact Study (EIS)*** means a study prepared in accordance with established procedures, to identify and assess the impacts of *Development* on *Provincially Significant Wetlands*.

- ***Great Lakes - St. Lawrence Region*** means that area of Ontario south of the line shown in Figures 1 and 3.

- ***Hydric Soils*** mean soils that are characterized by an abundance of moisture, to the extent that the soils are either inundated or dominated by water-tolerant vegetation.

- ***Hydrophytic Plants (Hydrophytes)*** means vegetation commonly growing in water or in water-logged soil, and are water-tolerant.

- ***Provincially Significant Wetlands*** means:

  a) Class 1, 2 and 3 wetland in that part of the *Great Lakes - St. Lawrence Region* below the line approximating the south edge of the Canadian Shield (see Figure 4), defined in "An Evaluation System for Wetlands of Ontario South of the Precambrian Shield". Second Edition, 1984", as amended from time to time; and,

  b) those *Wetlands* identified as *Provincially Significant Wetlands* by the Ministry of Natural Resources through an evaluation system(s) developed specifically for other areas of Ontario.

- ***Wetland Area*** means a single, contiguous wetland which may be composed of one or more *Wetland Types* (see Figure 2).

- ***Wetland Complex*** means two or more individual *Wetland Areas* along with their *Adjacent Lands*, that are related in a functional manner, and are grouped within a common wetland boundary (see Figure 2). The whole complex is evaluated and classified, not its individual *Wetland Area* components.

- ***Wetland Functions*** means the biological, physical, and socio-economic interactions that occur in an environment because of the properties of the *Wetlands* that are present, including, but not limited to:

  - ground water recharge and discharge;
  - flood damage reduction;
  - shoreline stabilization;
  - sediment trapping;
  - nutrient retention and removal;
  - food chain support;
  - habitat for fish and wildlife; and,
  - attendant social and economic benefits.

- ***Wetland Types*** means individual wetland ecosystems that have specific characteristics, and are commonly called marshes, swamps, bogs, and fens.

- ***Wetlands*** means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants. The four major types of *Wetlands* are swamps, marshes, bogs, and fens.

  Lands being used for agricultural purposes, that are periodically "soaked" or "wet", are not considered to be *Wetlands* in this definition. Such lands, whether or not they were *Wetlands* at one time are considered to have been converted to alternate uses.

POLICY

It is the policy of the Province of Ontario that:

1. General

1.1 All planning jurisdictions including municipalities, planning boards and resource management bodies within the Province shall protect ***Provincially Significant Wetlands.***

1.2 Where ***Provincially Significant Wetlands*** have been identified, all planning jurisdictions, including municipalities and planning boards, shall incorporate policies and protect ***Provincially Significant Wetlands*** in official plans, zoning by-laws and other development decisions under the **Planning Act**.

1.3 All planning jurisdictions, including municipalities and planning boards are encouraged to protect other ***Wetlands*** that are not provincially significant.

2. Great Lakes - St. Lawrence Region

2.1 ***Development*** shall not be permitted within ***Provincially Significant Wetlands***.

2.2 On ***Adjacent Lands***, ***Development*** may be permitted only if it does not result in any of the following:

a) loss of ***Wetland Functions***;

b) subsequent demand for future ***Development*** which will negatively impact on existing ***Wetland Functions***;

c) conflict with existing site-specific wetland management practices; and,

d) loss of contiguous ***Wetland Area***.

This shall be demonstrated by an ***Environmental Impact Study (EIS)***, prepared in accordance with established procedures, and carried out by a proponent addressing a) to d) inclusive.

2.3 On ***Adjacent Lands***, established ***Agricultural Activities*** are permitted without an **EIS**.

3. Boreal Region

3.1 In ***Provincially Significant Wetlands*** and ***Adjacent Lands***, ***Development*** may be permitted only if it does not result in any of the following:

a) loss of ***Wetland Functions***;

b) subsequent demand for future ***Development*** which will negatively impact existing ***Wetland Functions***; and,

c) conflict with existing site-specific wetland management practices.

This shall be demonstrated by an ***Environmental Impact Study (EIS)***, prepared in accordance with established procedures, and carried out by a proponent addressing a) to c) inclusive.

3.2 On ***Adjacent Lands***, established ***Agricultural Activities*** are permitted without a ***EIS***.

4. Approval Process for Utilities/Facilities

4.1 New utilities/facilities shall be located outside ***Provincially Significant Wetlands*** wherever possible. Approval authorities shall consider alternative methods and measures for minimizing impacts on ***Wetland Functions*** when reviewing proposals to construct transportation, communication, sanitation and other such utilities/facilities in ***Provincially Significant Wetlands***.

IMPLEMENTATION

All planning jurisdictions, including municipalities and planning boards, shall have regard to this Policy Statement in their decisions affecting any planning matter. In this way, the Policy Statement will be implemented through official plans, plans of subdivision, consents, zoning by-laws, minor variances and other planning tools.

Existing planning documents shall be revised to reflect this policy statement as evaluation information becomes available and at the time of scheduled reviews. Municipalities are encouraged to incorporate the provisions of this Policy Statement by amendment to their Official Plans as soon as possible.

The Ministry of Natural Resources (MNR) and the Ministry of Municipal Affairs (MMA) will jointly administer this Policy Statement, explain its content and give advice on its application.

The Ministry of Natural Resources will provide wetland evaluation information to municipalities on a priority basis, and assistance in interpreting that information as evaluation information becomes available.

The Ministry of Natural Resources, in consultation with the Ministry of Municipal Affairs, will issue "*Wetlands* Implementation Guidelines" to assist planning jurisdictions, including municipalities and planning boards, in implementing this Policy Statement. The Guidelines will contain approaches for protecting *Wetlands* in official plans, zoning by-laws and other planning documents. Ministries and agencies having an interest in *Wetlands* (e.g. the Ministry of Agriculture and Food and the Ministry of the Environment) will provide input to the planning process.

Application by Conservation Authorities of Fill, Construction and Alteration of Waterway Regulations under the **Conservation Authorities Act**, will assist in the implementation of this Policy Statement, where *Provincially Significant Wetlands* are contained within such regulated areas.

For further information contact any of the following offices:

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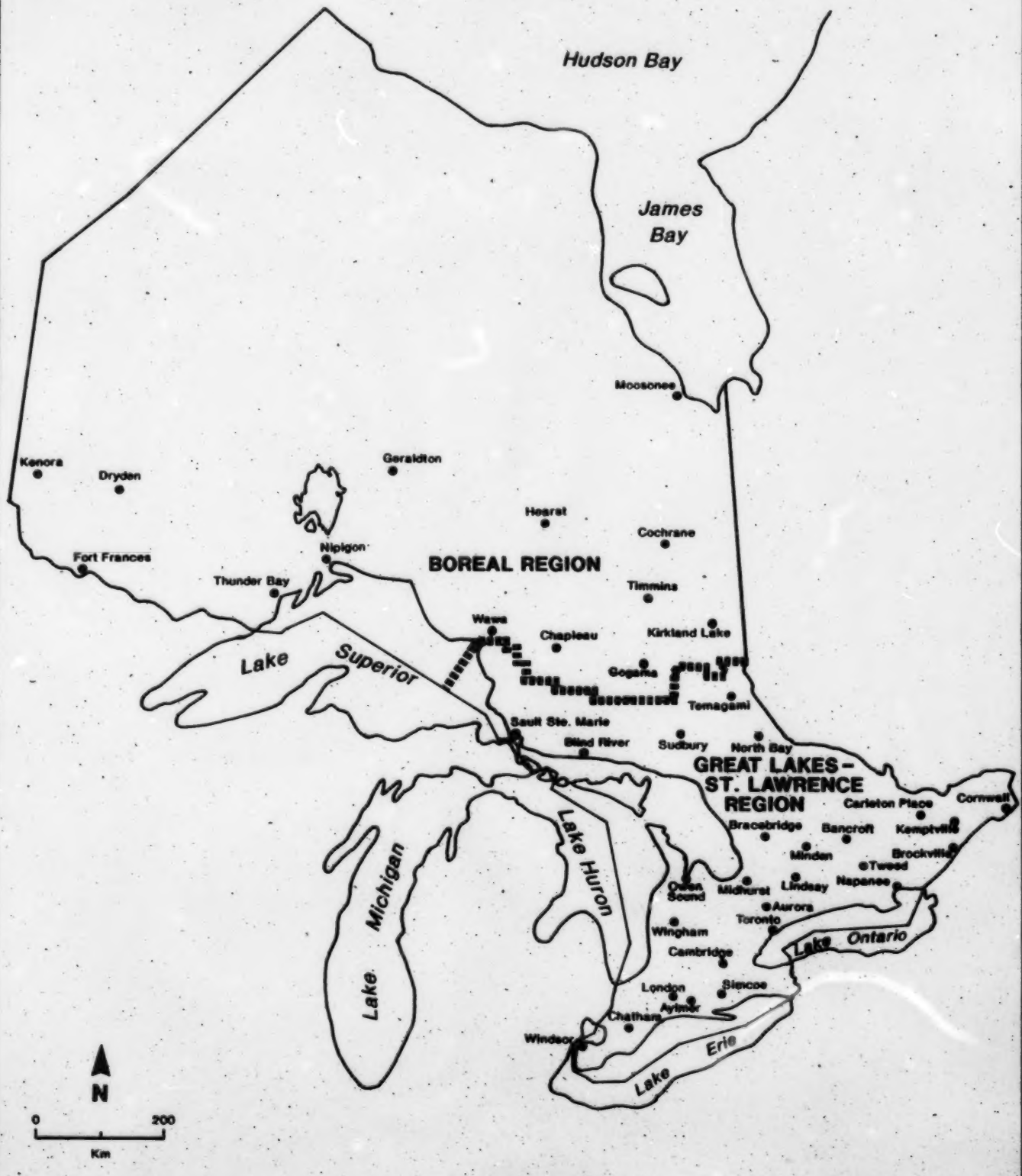
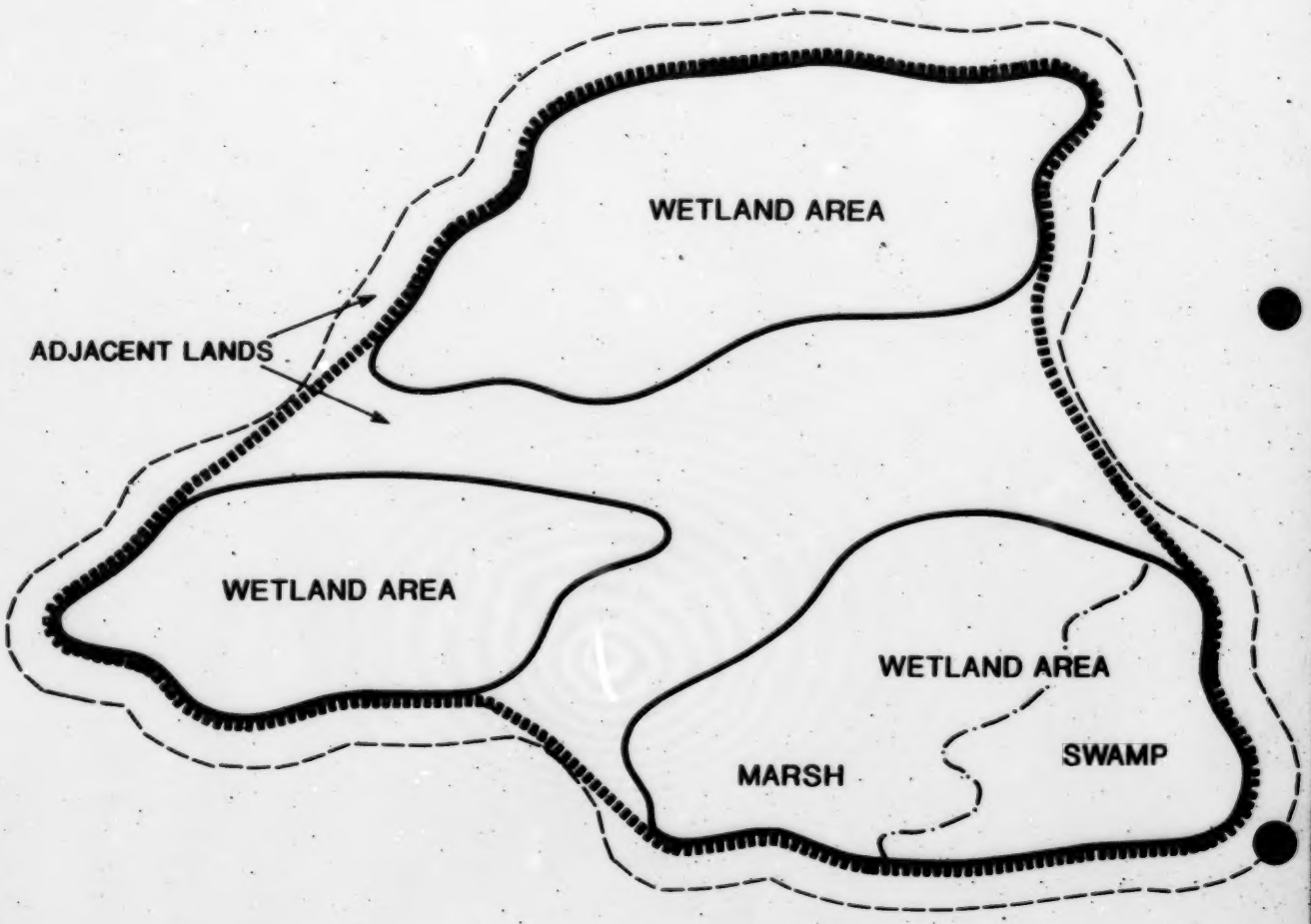
Figure 1

BOUNDARY BETWEEN KEY REGIONS OF ONTARIO



WETLAND TERMINOLOGY



Boundary of Wetland Complex

Boundary of Wetland Area

Boundary of Wetland Type

Boundary of Adjacent Lands